

tion with respect to using dietary supplements. The second study requests the Office of Technology Assessment to examine how other industrialized countries regulate dietary supplements and the health effects of these regulatory schemes.

During the moratorium, it is expected that attention will be focused on the issue of what standards and procedures should be applied to dietary supplements, including standards for claims under section 403(r)(5)(D) of the FFDC Act. In order to take advantage of the new information and developments that may occur under the moratorium, it is possible that FDA may wish to propose new regulations, guidelines, and enforcement criteria affecting dietary supplements, or to repropose rules under section (r)(5)(D) of the NLEA.

In the course of the moratorium, FDA's enforcement policies and practices with respect to dietary supplements will be examined. While it is clear that the existing legal mechanisms will continue to be in effect during the moratorium, one of the key questions to be considered next year is the proper role of the food additive provisions contained in section 409 of the FFDC Act in the regulation of dietary supplements and whether section 409 should be replaced by a new statutory standard for dietary supplements.

Mr. LENT. Mr. Speaker, I have no objection to the enactment of this legislation.

Mr. RICHARDSON. Mr. Speaker, I rise in strong support of H.R. 5952, the Prescription Drug User Fee Act as amended to include the Dietary Supplement Act of 1992. The Prescription Drug User Fee Act will begin to address the backlog of new drug approvals at the Food and Drug Administration by providing them with additional resources generated by dedicated user fees paid by pharmaceutical companies.

I also want to thank and commend Chairman DINGELL and Chairman WAXMAN for their assistance and support of the Dietary Supplement Act which was added during Senate consideration of H.R. 5952 by our Senate colleague, Senator ORRIN HATCH. I want to commend Senator HATCH for his outstanding and tireless efforts in this area.

As the House sponsor of H.R. 5746, the Health Choices Freedom Act protecting consumers' rights to obtain nutritional supplements, and ensuring that such products are safe, of the highest quality, and that their labels bear accurate information, I strongly support the Dietary Supplement Act which will institute a moratorium through December 31, 1993, on the implementation of the Nutrition Labeling and Education Act of 1990 with respect to vitamins, minerals, herbs, or other similar nutritional substances.

Over 120 million Americans use dietary supplements on a regular basis and yet neither the FDA nor the Congress has reviewed the regulation of these products in over a decade. FDA's regulatory oversight of dietary supplements was last reviewed by Congress in 1978 during passage and consideration of the Proxmire amendment which precluded FDA from

establishing maximum limits on the potency of vitamins and minerals.

In the intervening years, much research has been done establishing the health benefits of dietary supplements. Earlier this year, the New York Academy of Sciences held a conference entitled the "New Views on the Function and Health Effects of Vitamins," which detailed the links between vitamin consumption and disease prevention. Time magazine has reported that scientists now believe supplements "play a much more complex role in ensuring vitality and optimal health than was previously thought . . . often in doses much higher than those usually recommended." Articles in U.S. News and World Report and the New York Times have reported similar findings.

Additionally, in July of this year, the Centers for Disease Control formally recommended that women of child-bearing age consume an adequate amount of folic acid in order to reduce the risk of neural tube birth defects. Unfortunately, despite the CDC recommendation, the antiquated labeling requirements governing dietary supplements, such as folic acid, prevent all consumers, including women, from learning the potential benefits of this and other supplements. The fact is, dietary supplements are neither foods nor drugs and regrettably Congress and the FDA have failed to provide the proper statutory and regulatory framework for these products.

As a strong supporter of the Nutrition Labeling and Education Act of 1990 which was designed to revise food labels to provide accurate and nonmisleading health information to consumers, I believe the moratorium established by the Dietary Supplement Act is narrowly tailored and drafted to exempt only dietary supplements. More importantly, the Dietary Supplement Act will enable Congress, consumers, and the dietary supplement industry to develop the appropriate statutory and regulatory framework, one which protects consumer choice, protects consumer health, and encourages continued scientific research into the function of dietary supplements.

I urge my colleagues' support of this important legislation.

Mr. LENT. Mr. Speaker, I withdraw my reservation of objection.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from California?

There was no objection.

The Clerk read the bill.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

#### TELECOMMUNICATIONS AUTHORIZATION ACT OF 1992

Mr. MARKEY. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the bill (H.R. 6180) to authorize appropriations for the National Telecommunications and Information Administration, and for other purposes, and ask for its immediate consideration in the House.

The Clerk read the title of the bill.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Massachusetts?

Mr. RINALDO. Mr. Speaker, reserving the right to object, while I will not

object, I take this reservation for the purpose of asking the gentleman from Massachusetts [Mr. MARKEY] to explain this piece of legislation.

Mr. MARKEY. Mr. Speaker, will the gentleman yield?

Mr. RINALDO. I yield to the gentleman from Massachusetts.

(Mr. MARKEY asked and was given permission to revise and extend his remarks.)

Mr. MARKEY. Mr. Speaker, this bill, H.R. 6180, is a bill to authorize the National Telecommunications and Information Administration. This bill closely tracks legislation that passed the House unanimously last year affecting the NTIA and the FCC. The amendment to those bills makes a number of changes that I support, and that deserve the support of the House. It is my understanding that this has been approved by the minority.

This legislation would authorize \$17.6 million for fiscal year 1992 and \$17.9 million for fiscal year 1993 for the administration of the National Telecommunications and Information Administration. The bill also would codify the existence of the NTIA, and makes miscellaneous changes to the FCC.

Perhaps the most vital role of the NTIA for the national economy is its role as keeper of the Federal spectrum. This role is important because the better and more efficient the Government manages its spectrum, the more is available for private industry to use in exciting new ways. This bill recognizes that important job by setting down fundamental spectrum management principles, and also making clear that NTIA has the authority to properly manage the Government's use of the spectrum.

This legislation would also prohibit any officer or employee of the NTIA to solicit any gift from any entity for the purpose of furthering any authorized function if this solicitation were to create or appear to create a conflict of interest. These gifts may take the form of real or personal property, including money, that has been given to supplement the resources allotted to particular projects of the NTIA. I believe that solicitations such as these undermine the appropriations power of Congress, thus undermining the constitutional power of Congress to determine the activities of the Government. In addition, they have the effect of creating the appearance of a conflict of interest which detracts from the ability of NTIA to do its job effectively. For this reason, these kinds of solicitations should be clearly prohibited.

Finally, the bill includes an important provision that has the NTIA, in consultation with other Federal agencies, conduct a study of the use of modern telecommunications to spread messages of hate and bigotry. In light of the disturbing increase in our society of hate crimes, and of the use of electronic media to advocate violence against ethnic, religious, and racial

minorities, the study will give us the information we need to intelligently review this situation. I expect the NTIA to reach out to other Government agencies and to media organizations, civil rights groups, and individuals outside of government to best accomplish the goal of comprehensively studying these insidious events. Meanwhile, I also expect NTIA to be sensitive to privacy concerns. This study would not give the Government license to engage in the surveillance of the public's actions, but it would give the Government a means of engaging in thorough research from all available sources that must be pursued on this important subject.

This legislation also includes a number of provisions affecting the Federal Communications Commission.

I commend my colleagues Mr. DINGELL and Mr. RINALDO for their work in putting together this legislation. I urge the House to approve this bill.

(Mr. RINALDO asked and was given permission to revise and extend his remarks.)

Mr. RINALDO. Mr. Speaker, I urge my colleagues to join me in supporting H.R. 6180, the National Telecommunications and Information Administration (NTIA) authorization bill. This bill is similar to the NTIA bill the House approved last October. Specifically, the bill provides authorizations of \$17.6 million and \$17.9 million for fiscal years 1992 and 1993, respectively.

The NTIA plays a crucial role in setting domestic telecommunications policy. The agency coordinates telecommunications policymaking within the executive branch. Consequently, NTIA has become an important roleplayer in America's quest to be the world leader in the global telecommunications marketplace. Along with the Federal Communications Commission and the State Department, the NTIA is a member of a tripartite delegation that represents U.S. interests in international telecommunications negotiations.

Importantly, the bill also would provide the NTIA with statutory authority. Since 1978, NTIA has operated under the authority of an executive order issued during the Carter administration. Recently, the NTIA has been subject to an internal attempt to reorganize it. Had that attempt succeeded, the importance of the NTIA might have ultimately been downgraded within the Commerce Department. Codifying the authority of NTIA will guarantee that it will remain an effective voice within the executive branch for formulating and advancing U.S. telecommunications policy.

In addition to authorizing NTIA, this bill addresses several important matters that concern the FCC, such as extending the authorization for the FCC's Older American Program under which the Commission provides grants or enters into agreements with nonprofit groups to utilize the talents of older Americans.

The bill also clarifies the Commission's refund authority. It makes clear that the Commission has the authority to order refunds when a successful challenge is made to a tariffed rate change. It is intended that the modification authority be applied prospectively only, and should not influence pending cases.

The bill sets out the FCC's application fees for low-Earth orbit satellite systems. To assist the Commission to meet its increasing regulatory responsibilities given current budget constraints, the bill authorizes the Commission to accept gifts and requests of property. The bill addresses shipboard radio communications and directs the FCC to require that ships have individuals on board to maintain and repair the new Global Maritime Distress and Safety System (GMDSS) communications system.

Finally, in response to concerns raised during the Persian Gulf crisis, the bill directs the Commission to consider how to lower international telephone rates and procedures for U.S. Armed Forces serving abroad.

Mr. Speaker, I would like to commend my good friends, Messrs. DINGELL, LENT, and MARKEY, for their leadership on this issue. I, again, urge my colleagues to support the legislation.

Mr. LENT. Mr. Speaker, I rise in strong support of H.R. 6180, the NTIA organization and authorization bill, and urge the passage of this important measure. The bill provides for the authorization of \$17.6 million and \$17.9 million in fiscal years 1992 and 1993, respectively.

I also strongly support the language which codifies the 1978 Executive order which created the NTIA. The NTIA has existed since its creation without statutory authority. In fact, there have been efforts in the past to reorganize the agency in a manner that would have seriously downgraded it.

For example, under one reorganization plan, the NTIA would have lost its direct access to the Secretary and instead would have reported through the undersecretary for technology. This legislation will give the NTIA the statutory authority it needs and deserves.

In addition to authorizing NTIA, this bill addresses several administrative matters within the FCC, such as extending the authorization for the FCC's Older Americans Program.

The bill also sets out the FCC's application fees for low-Earth orbit satellite systems and authorizes the Commission to accept gifts and bequests of property. Finally, the bill directs the Commission to conduct a study of telephone rates and procedures for U.S. Armed forces serving abroad. This is intended to correct problems that the men and women of our Armed forces faced during the Persian Gulf crisis.

Once again, I urge my colleagues to join me in supporting H.R. 6180.

Mr. RINALDO. Mr. Speaker, I have no objection to this request, and I withdraw my reservation of objection.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Massachusetts?

There was no objection.

The Clerk read the bill, as follows:

H.R. 6180

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,*

#### SECTION 1. SHORT TITLE.

This Act may be cited as the "Telecommunications Authorization Act of 1992".

#### TITLE I—NATIONAL TELECOMMUNICATIONS AND INFORMATION ADMINISTRATION

##### PART A—ORGANIZATION AND FUNCTIONS

###### SEC. 101. SHORT TITLE.

This title may be cited as the "National Telecommunications and Information Administration Organization Act".

#### SEC. 102. DEFINITIONS; FINDINGS; POLICY.

(a) **DEFINITIONS.**—In this title, the following definitions apply:

(1) The term "NTIA" means the National Telecommunications and Information Administration.

(2) The term "Assistant Secretary" means the Assistant Secretary for Communications and Information.

(3) The term "Secretary" means the Secretary of Commerce.

(4) The term "Commission" means the Federal Communications Commission.

(5) The term "Corporation" means the Communications Satellite Corporation authorized in title III of the Communications Satellite Act of 1962 (47 U.S.C. 731 et seq.).

(b) **FINDINGS.**—The Congress finds the following:

(1) Telecommunications and information are vital to the public welfare, national security, and competitiveness of the United States.

(2) Rapid technological advances being made in the telecommunications and information fields make it imperative that the United States maintain effective national and international policies and programs capable of taking advantage of continued advancements.

(3) Telecommunications and information policies and recommendations advancing the strategic interests and the international competitiveness of the United States are essential aspects of the Nation's involvement in international commerce.

(4) There is a critical need for competent and effective telecommunications and information research and analysis and national and international policy development, advice, and advocacy by the executive branch of the Federal Government.

(5) As one of the largest users of the Nation's telecommunications facilities and resources, the Federal Government must manage its radio spectrum use and other internal communications operations in the most efficient and effective manner possible.

(6) It is in the national interest to codify the authority of the National Telecommunications and Information Administration, an agency in the Department of Commerce, as the executive branch agency principally responsible for advising the President on telecommunications and information policies, and for carrying out the related functions it currently performs, as reflected in Executive Order 12048.

(c) **POLICY.**—The NTIA shall seek to advance the following policies:

(1) Promoting the benefits of technological development in the United States for all users of telecommunications and information facilities.

(2) Fostering national safety and security, economic prosperity, and the delivery of critical social services through telecommunications.

(3) Facilitating and contributing to the full development of competition, efficiency, and the free flow of commerce in domestic and international telecommunications markets.

(4) Fostering full and efficient use of telecommunications resources, including effective use of the radio spectrum by the Federal Government, in a manner which encourages the most beneficial uses thereof in the public interest.

(5) Furthering scientific knowledge about telecommunications and information.

#### SEC. 103. ESTABLISHMENT; ASSIGNED FUNCTIONS.

##### (a) ESTABLISHMENT.—

(1) **ADMINISTRATION.**—There shall be within the Department of Commerce an administration to be known as the National Telecommunications and Information Administration.

(2) **HEAD OF ADMINISTRATION.**—The head of the NTIA shall be an Assistant Secretary of Commerce for Communications and Information, who shall be appointed by the President, by and with the advice and consent of the Senate.

(b) **ASSIGNED FUNCTIONS.**—

(1) **IN GENERAL.**—Subject to section 105(d), the Secretary shall assign to the Assistant Secretary and the NTIA responsibility for the performance of the Secretary's communications and information functions.

(2) **COMMUNICATIONS AND INFORMATION FUNCTIONS.**—Subject to section 105(d), the functions to be assigned by the Secretary under paragraph (1) include (but are not limited to) the following functions transferred to the Secretary by Reorganization Plan Number 1 of 1977 and Executive Order 12046:

(A) The authority delegated by the President to the Secretary to assign frequencies to radio stations or classes of radio stations belonging to and operated by the United States, including the authority to amend, modify, or revoke such assignments, but not including the authority to make final disposition of appeals from frequency assignments.

(B) The authority to authorize a foreign government to construct and operate a radio station at the seat of Government of the United States, but only upon recommendation of the Secretary of State and after consultation with the Attorney General and the Chairman of the Commission.

(C) Functions relating to the communications satellite system, including authority vested in the President by section 201(a) of the Communications Satellite Act of 1962 (47 U.S.C. 721(a)) and delegated to the Secretary under Executive Order 12046, to—

(i) aid in the planning and development of the commercial communications satellite system and the execution of a national program for the operation of such a system;

(ii) conduct a continuous review of all phases of the development and operation of such system, including the activities of the Corporation;

(iii) coordinate, in consultation with the Secretary of State, the activities of governmental agencies with responsibilities in the field of telecommunications, so as to ensure that there is full and effective compliance at all times with the policies set forth in the Communications Satellite Act of 1962;

(iv) make recommendations to the President and others as appropriate, with respect to steps necessary to ensure the availability and appropriate utilization of the communications satellite system for general governmental purposes in consonance with section 201(a)(6) of the Communications Satellite Act of 1962 (47 U.S.C. 721(a)(6));

(v) help attain coordinated and efficient use of the electromagnetic spectrum and the technical compatibility of the communications satellite system with existing communications facilities both in the United States and abroad;

(vi) assist in the preparation of Presidential action documents for consideration by the President as may be appropriate under section 201(a) of the Communications Satellite Act of 1962 (47 U.S.C. 721(a)), make necessary recommendations to the President in connection therewith, and keep the President informed with respect to the carrying out of the Communications Satellite Act of 1962; and

(vii) serve as the chief point of liaison between the President and the Corporation.

(D) The authority to serve as the President's principal adviser on telecommunications policies pertaining to the Nation's economic and technological advancement and to the regulation of the telecommunications industry.

(E) The authority to advise the Director of the Office of Management and Budget on the development of policies relating to the procurement and management of Federal telecommunications systems.

(F) The authority to conduct studies and evaluations concerning telecommunications research and development and concerning the initiation, improvement, expansion, testing, operation, and use of Federal telecommunications systems and advising agencies of the results of such studies and evaluations.

(G) **Functions which involve—**

(i) developing and setting forth, in coordination with the Secretary of State and other interested agencies, plans, policies, and programs which relate to international telecommunications issues, conferences, and negotiations;

(ii) coordinating economic, technical, operational, and related preparations for United States participation in international telecommunications conferences and negotiations; and

(iii) providing advice and assistance to the Secretary of State on international telecommunications policies to strengthen the position and serve the best interests of the United States in support of the Secretary of State's responsibility for the conduct of foreign affairs.

(H) The authority to provide for the coordination of the telecommunications activities of the executive branch and assist in the formulation of policies and standards for those activities, including (but not limited to) considerations of interoperability, privacy, security, spectrum use, and emergency readiness.

(I) The authority to develop and set forth telecommunications policies pertaining to the Nation's economic and technological advancement and to the regulation of the telecommunications industry.

(J) The responsibility to ensure that the views of the executive branch on telecommunications matters are effectively presented to the Commission and, in coordination with the Director of the Office of Management and Budget, to the Congress.

(K) The authority to establish policies concerning spectrum assignments and use by radio stations belonging to and operated by the United States.

(L) **Functions which involve—**

(i) developing, in cooperation with the Commission, a comprehensive long-range plan for improved management of all electromagnetic spectrum resources;

(ii) performing analysis, engineering, and administrative functions, including the maintenance of necessary files and data bases, as necessary for the performance of assigned functions for the management of electromagnetic spectrum resources;

(iii) conducting research and analysis of electromagnetic propagation, radio systems characteristics, and operating techniques affecting the utilization of the electromagnetic spectrum in coordination with specialized, related research and analysis performed by other Federal agencies in their areas of responsibility; and

(iv) conducting research and analysis in the general field of telecommunications sciences in support of assigned functions and in support of other Government agencies.

(M) The authority to conduct studies and make recommendations concerning the impact of the convergence of computer and communications technology.

(N) The authority to coordinate Federal telecommunications assistance to State and local governments.

(O) The authority to conduct and coordinate economic and technical analyses of telecommunications policies, activities, and

opportunities in support of assigned functions.

(P) The authority to contract for studies and reports relating to any aspect of assigned functions.

(Q) The authority to participate, as appropriate, in evaluating the capability of telecommunications resources, in recommending remedial actions, and in developing policy options.

(R) The authority to participate with the National Security Council and the Director of the Office of Science and Technology Policy as they carry out their responsibilities under sections 4-1, 4-2, and 4-3 of Executive Order 12046, with respect to emergency functions, the national communication system, and telecommunications planning functions.

(S) The authority to establish coordinating committees pursuant to section 10 of Executive Order 11566.

(T) The authority to establish, as permitted by law, such interagency committees and working groups composed of representatives of interested agencies and consulting with such departments and agencies as may be necessary for the effective performance of assigned functions.

(3) **ADDITIONAL COMMUNICATIONS AND INFORMATION FUNCTIONS.**—In addition to the functions described in paragraph (2), the Secretary under paragraph (1)—

(A) may assign to the NTIA the performance of functions under section 504(a) of the Communications Satellite Act of 1962 (47 U.S.C. 753(a)); and

(B) shall assign to the NTIA the administration of the Public Telecommunications Facilities Program under sections 360 through 363 of the Communications Act of 1934 (47 U.S.C. 360-363), and the National Endowment for Children's Educational Television under section 304 of the Communications Act of 1934 (47 U.S.C. 304).

**SEC. 104. SPECTRUM MANAGEMENT ACTIVITIES.**

(a) **REVISION OF REGULATIONS.**—Within 180 days after the date of the enactment of this Act, the Secretary of Commerce and the NTIA shall amend the Department of Commerce spectrum management document entitled "Manual of Regulations and Procedures for Federal Radio Frequency Management" to improve Federal spectrum management activities and shall publish in the Federal Register any changes in the regulations in such document.

(b) **REQUIREMENTS FOR REVISIONS.**—The amendments required by subsection (a) shall—

(1) provide for a period at the beginning of each meeting of the Interdepartmental Radio Advisory Committee to be open to the public to make presentations and receive advice, and provide the public with other meaningful opportunities to make presentations and receive advice;

(2) include provisions that will require (A) publication in the Federal Register of major policy proposals that are not classified and that involve spectrum management; and (B) adequate opportunity for public review and comment on those proposals;

(3) include provisions that will require publication in the Federal Register of major policy decisions that are not classified and that involve spectrum management;

(4) include provisions that will require that nonclassified spectrum management information be made available to the public, including access to electronic databases; and

(5) establish procedures that provide for the prompt and impartial consideration of requests for access to Government spectrum by the public, which procedures shall include provisions that will require the disclosure of the status and ultimate disposition of any such request.

(c) **CERTIFICATION TO CONGRESS.**—Not later than 180 days after the date of enactment of this Act, the Secretary of Commerce shall certify to Congress that the Secretary has complied with this section.

(d) **RADIO SERVICES.**—

(1) **ASSIGNMENTS FOR RADIO SERVICES.**—In assigning frequencies for mobile radio services and other radio services, the Secretary of Commerce shall promote efficient and cost-effective use of the spectrum to the maximum extent feasible.

(2) **AUTHORITY TO WITHHOLD ASSIGNMENTS.**—The Secretary of Commerce shall have the authority to withhold or refuse to assign frequencies for mobile radio service or other radio service in order to further the goal of making efficient and cost-effective use of the spectrum.

(3) **SPECTRUM PLAN.**—By October 1, 1993, the Secretary of Commerce shall adopt and commence implementation of a plan for Federal agencies with existing mobile-radio systems to use more spectrum-efficient technologies that are at least as spectrum-efficient and cost-effective as readily available commercial mobile radio systems. The plan shall include a time schedule for implementation.

(4) **REPORT TO CONGRESS.**—By October 1, 1993, the Secretary of Commerce shall submit to the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Energy and Commerce of the House of Representatives a report summarizing the plan adopted under paragraph (3), including the implementation schedule for the plan.

**SEC. 104. GENERAL ADMINISTRATIVE PROVISIONS.**

(a) **INTERAGENCY FUNCTIONS.**—

(1) **AGENCY CONSULTATION.**—Federal agencies shall consult with the Assistant Secretary and the NTIA to ensure that the conduct of telecommunications activities by such agencies is consistent with the policies developed under section 103(b)(2)(K).

(2) **REPORT TO PRESIDENT.**—The Secretary shall timely submit to the President each year the report (including evaluations and recommendations) provided for in section 404(a) of the Communications Satellite Act of 1963 (47 U.S.C. 744(a)).

(3) **COORDINATION WITH SECRETARY OF STATE.**—The Secretary shall coordinate with the Secretary of State the performance of the functions described in section 103(b)(2)(C). The Corporation and concerned executive agencies shall provide the Secretary with such assistance, documents, and other cooperation as will enable the Secretary to carry out those functions.

(b) **ADVISORY COMMITTEES AND INFORMAL CONSULTATIONS WITH INDUSTRY.**—To the extent the Assistant Secretary deems it necessary to continue the Interdepartmental Radio Advisory Committee, such Committee shall serve as an advisory committee to the Assistant Secretary and the NTIA. As permitted by law, the Assistant Secretary may establish one or more telecommunications or information advisory committees (or both) composed of experts in the telecommunications and/or information areas outside the Government. The NTIA may also informally consult with industry as appropriate to carry out the most effective performance of its functions.

(c) **GENERAL PROVISIONS.**—

(1) **REGULATIONS.**—The Secretary and NTIA shall issue such regulations as may be necessary to carry out the functions assigned under this title.

(2) **SUPPORT AND ASSISTANCE FROM OTHER AGENCIES.**—All executive agencies are authorized and directed to cooperate with the NTIA and to furnish it with such information, support, and assistance, not inconsis-

ent with law, as it may require in the performance of its functions.

(3) **EFFECT ON VESTED FUNCTIONS.**—Nothing in this title reassigns any function that is, on the date of enactment of this Act, vested by law or executive order in the Commission, or the Department of State, or any officer thereof.

(d) **REORGANIZATION.**—

(1) **AUTHORITY TO REORGANIZE.**—Subject to paragraph (2), the Secretary may reassign to another unit of the Department of Commerce a function (or portion thereof) required to be assigned to the NTIA by section 103(b).

(2) **LIMITATION ON AUTHORITY.**—The Secretary may not make any reassignment of a function (or portion thereof) required to be assigned to the NTIA by section 103(b) unless the Secretary submits to the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Energy and Commerce of the House of Representatives a statement describing the proposed reassignment and containing an explanation of the reasons for the reassignment. No reassignment of any such function (or portion thereof) shall be effective until 90 legislative days after the Secretary submits that statement to such Committees. For purposes of this paragraph, the term "legislative days" includes only days on which both Houses of Congress are in session.

(e) **LIMITATION ON SOLICITATIONS.**—Notwithstanding section 1 of the Act of October 2, 1964 (16 U.S.C. 1522), neither the Secretary, the Assistant Secretary, nor any officer or employee of the NTIA shall solicit any gift or bequest of property, both real and personal, from any entity for the purpose of furthering the authorized functions of the NTIA if such solicitation would create a conflict of interest or an appearance of a conflict of interest.

**Part B—Special and Temporary Provisions**  
**SEC. 131. AUTHORIZATION OF APPROPRIATIONS FOR ADMINISTRATION.**

There are authorized to be appropriated for the administration of the NTIA \$17,000,000 for fiscal year 1992 and \$17,900,000 for fiscal year 1993, and such sums as may be necessary for increases resulting from adjustments in salary, pay, retirement, other employee benefits required by law, and other non-discretionary costs.

**SEC. 132. NATIONAL ENDOWMENT FOR CHILDREN'S EDUCATIONAL TELEVISION.**

Section 394(h) of the Communications Act of 1934 (47 U.S.C. 394(h)) is amended—

(1) by striking "1991 and" and inserting in lieu thereof "1991,"; and

(2) by inserting ", \$5,000,000 for fiscal year 1993, and \$6,000,000 for fiscal year 1994" immediately after "1992".

**SEC. 133. PEACESAT PROGRAM.**

(a) **FINDINGS.**—Section 2(a) of the Act entitled "An Act to authorize appropriations for activities of the National Telecommunications and Information Administration for Fiscal Years 1990 and 1991", approved November 15, 1990 (Public Law 101-556; 104 Stat. 2758), is amended—

(1) in paragraph (2) by striking "the Soviet Union and";

(2) in paragraph (8)—

(A) by striking "since 1988, significant progress has been" and inserting in lieu thereof "in fiscal years 1988 and 1989, significant progress was"; and

(B) by striking "negotiating to acquire" and inserting in lieu thereof "acquiring"; and

(3) by striking all after paragraph (8) and inserting in lieu thereof the following new paragraphs:

"(9) because these activities exhausted the funds previously appropriated for the PEACESAT program, Congress authorized to

be appropriated \$1,000,000 for fiscal year 1990 and such sums as necessary for fiscal year 1991 for use by the Secretary of Commerce in the negotiation for and acquisition of satellite capacity and equipment under subsection (c)(1) of this section and the management and operation of satellite communications services under subsection (c)(2) of this section;

"(10) while no funds were appropriated for fiscal year 1990 because of the availability of carry-over funds, Congress appropriated \$1,000,000 for fiscal year 1991 for the ongoing maintenance and operation of the GOES-3 satellite for the administration of the PEACESAT program, for the acquisition and installation of earth stations and the training of engineers to operate the Earth stations, and for the study of a long-term solution to the satellite needs of the PEACESAT program;

"(11) with these funds, the PEACESAT program has been reestablished, over 90 new Earth terminals have been installed (some at the expense of the individual user groups), and the use of the PEACESAT network is expanding;

"(12) while the PEACESAT program has now been reestablished, additional funding continues to be necessary for the ongoing administrative and operational expenses of the PEACESAT program and especially for the acquisition of satellite capacity after 1994;

"(13) the importance of the PEACESAT program to the educational and cultural communications in the Pacific Ocean region makes it imperative that the Secretary of Commerce and the PEACESAT users explore every available option for long-term satellite capacity, including the possibility of using foreign-owned satellites or engaging in joint ventures with foreign entities to satisfy these long-term needs for transmission capacity; and

"(14) whether or not a domestic or foreign-owned satellite is used for transmission, it is essential to the achievement of United States policy goals that the headquarters, management, and operation of the PEACESAT program be located and conducted in the United States."

(b) **AUTHORIZATION.**—The first sentence of section 2(d) of such Act of November 15, 1990 (104 Stat. 2758), is amended by striking all through "fiscal year 1991" and inserting in lieu thereof "There are authorized to be appropriated \$400,000 for fiscal year 1992 and \$1,500,000 for fiscal year 1993".

**SEC. 134. COMMUNICATIONS FOR RURAL HEALTH PROVIDERS.**

(a) **PURPOSE.**—It is the purpose of this section to improve the ability of rural health providers to use communications to obtain health information and to consult with others concerning the delivery of patient care. Such enhanced communications ability may assist in—

(1) improving and extending the training of rural health professionals; and

(2) improving the continuity of patient care in rural areas.

(b) **ADVISORY PANEL.**—The Secretary of Commerce, in conjunction with the Secretary of Health and Human Services, shall establish an advisory panel (hereafter in this section referred to as the "Panel") to develop recommendations for the improvement of rural health care through the collection of information needed by providers and the improvement in the use of communications to disseminate such information.

(c) **COMPOSITION OF PANEL.**—The Panel shall be composed of individuals from organizations with rural constituencies and practitioners from health care disciplines, representatives of the National Library of Medicine, and representatives of different health

professions schools, including nurse practitioners.

(d) **SELECTION OF CONSULTANTS.**—The Panel may select consultants to provide advice to the Panel regarding the types of information that rural health care practitioners need, the procedures to gather and disseminate such information, and the types of communications equipment and training needed by rural health care practitioners to obtain access to such information.

(e) **REPORT TO CONGRESS.**—Not later than 1 year after the Panel is established under subsection (b), the Secretary of Commerce shall prepare and submit, to the Committee on Commerce, Science, and Transportation and the Committee on Labor and Human Resources of the Senate and the Committee on Energy and Commerce of the House of Representatives, a report summarizing the recommendations made by the Panel under subsection (b).

(f) **AUTHORIZATION OF APPROPRIATIONS.**—There is authorized to be appropriated to the Secretary of Commerce to carry out this section \$1,000,000 to remain available until expended.

#### SEC. 133. REPORT ON THE ROLE OF TELECOMMUNICATIONS IN HATE CRIMES.

(a) **REQUIREMENT OF REPORT.**—Within 240 days after the date of enactment of this Act, the NTIA, with the assistance of the Commission, the Department of Justice, and the United States Commission on Civil Rights, shall prepare a report on the role of telecommunications in crimes of hate and violent acts against ethnic, religious, and racial minorities and shall submit such report to the Committee on Energy and Commerce of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate.

(b) **SCOPE OF REPORT.**—The report required by subsection (a) shall—

(1) analyze information on the use of telecommunications, including broadcast television and radio, cable television, public access television, computer bulletin boards, and other electronic media, to advocate and encourage violent acts and the commission of crimes of hate, as described in the Hate Crimes Statistics Act (28 U.S.C. 894), against ethnic, religious, and racial minorities;

(2) include any recommendations deemed appropriate and necessary by the NTIA.

#### TITLE II—FEDERAL COMMUNICATIONS COMMISSION

##### SEC. 201. TRAVEL REIMBURSEMENT PROGRAM.

Section 4(g)(2)(D) of the Communications Act of 1934 (47 U.S.C. 154(g)(2)(D)) is amended by striking "1992" and inserting in lieu thereof "1994".

##### SEC. 202. HAWAII MONITORING STATION.

Section 9(a) of the Federal Communications Commission Authorization Act of 1990 (Public Law 100-594; 102 Stat. 3024) is amended by striking "1990, 1991, 1992, and 1993" and inserting in lieu thereof "1991, 1992, 1993, and 1994".

##### SEC. 203. CLARIFICATION OF COMMISSION REVENUE AUTHORITY.

Section 204(a)(1) of the Communications Act of 1934 (47 U.S.C. 304(a)(1)) is amended—

(1) by striking "an increased charge" and inserting in lieu thereof "a revised charge";

(2) by striking "or increased" and inserting in lieu thereof "or revised";

(3) by striking "increased charges" and inserting in lieu thereof "revised charges";

(4) by striking "charge increased, or sought to be increased" and inserting in lieu thereof "new or revised charge, or a proposed new or revised charge"; and

(5) by striking "increased charge" and inserting in lieu thereof "new or revised charge".

##### SEC. 204. ELECTRONIC FILING OF APPLICATIONS.

(a) **WAIVER OF FREQUENCY OR SPECTRUM CLAIM.**—Section 304 of the Communications Act of 1934 (47 U.S.C. 304) is amended by striking "signed a waiver of" and inserting in lieu thereof "waived".

(b) **SIGNING OF LICENSE APPLICATIONS.**—Section 308(b) of the Communications Act of 1934 (47 U.S.C. 308(b)) is amended by inserting "in any manner or form, including by electronic means, as the Commission may prescribe by regulation" immediately before the period at the end.

(c) **SIGNING OF CONSTRUCTION PERMIT APPLICATIONS.**—Section 319(a) of the Communications Act of 1934 (47 U.S.C. 319(a)) is amended by inserting "in any manner or form, including by electronic means, as the Commission may prescribe by regulation" immediately before the period at the end.

##### SEC. 205. LICENSED OPERATORS.

Section 318 of the Communications Act of 1934 (47 U.S.C. 318) is amended—

(1) by striking "(3) stations engaged in broadcasting other than those engaged primarily in the function of rebroadcasting the signals of broadcast stations"; and

(2) by striking "(4)" and inserting in lieu thereof "(3)".

##### SEC. 206. STATUTE OF LIMITATIONS FOR FORFEITURE PROCEEDINGS.

Section 503(b)(6) of the Communications Act of 1934 (47 U.S.C. 503(b)(6)) is amended—

(1) by striking "so long as such violation occurred within 3 years prior to the date of issuance of such required notice"; and

(2) by adding at the end the following: "For purposes of this paragraph, 'date of commencement of the current term of such license' means the date of commencement of the last term of license for which the licensee has been granted a license by the Commission. A separate license term shall not be deemed to have commenced as a result of continuing a license in effect under section 307(a) pending decision on an application for renewal of the license."

##### SEC. 207. TELEPHONE OPERATOR SERVICES.

Section 226(d)(4)(A) of the Communications Act of 1934 (47 U.S.C. 226(d)(4)(A)) is amended by inserting "and aggregators" immediately after "operator services".

##### SEC. 208. GIFT AND REQUEST AUTHORITY.

Section 4(g) of the Communications Act of 1934 (47 U.S.C. 154(g)) is amended by adding at the end the following new paragraph:

"(3)(A) Notwithstanding any other provision of law, in furtherance of its functions the Commission is authorized to accept, hold, administer, and use unconditional gifts, donations, and bequests of real, personal, and other property (including voluntary and uncompensated services, as authorized by section 3109 of title 5, United States Code).

"(B) The Commission, for purposes of providing radio club and military-recreational call signs, may utilize the voluntary, uncompensated, and unreimbursed services of amateur radio organizations authorized by the Commission that have tax-exempt status under section 501(c)(3) of the Internal Revenue Code of 1986.

"(C) For the purposes of Federal law on income taxes, estate taxes, and gift taxes, property or services accepted under the authority of subparagraph (A) shall be deemed to be a gift, bequest, or devise to the United States.

"(D) The Commission shall promulgate regulations to carry out the provisions of this paragraph. Such regulations shall include provisions to preclude the acceptance of any gift, bequest, or donation that would create a conflict of interest or the appearance of a conflict of interest."

##### SEC. 209. CHANGES TO SCHEDULE OF CHARGES.

(a) **FEES FOR LOW-EARTH ORBIT SATELLITE SYSTEMS.**—The Schedule of Charges under section 8(g) of the Communications Act of 1934 (47 U.S.C. 158(g)) is amended by adding at the end of the matter under the heading "Common Carrier Services" the following:

"2. Low-Earth Orbit Satellite Systems	
a. Application for Authority to Construct (per system of technology identical satellites) .....	6,000.00
b. Application for Authority to Launch and Operate (per system of technologically identical satellites) .....	210,000.00
c. Assignment or Transfer (per request) .....	6,000.00
d. Modification (per request) ....	15,000.00
e. Special Temporary Authority or Waiver of Prior Construction Authorization (per request) .....	1,500.00
f. Amendment of Application (per request) .....	3,000.00
g. Extension of Construction Permit/Launch Authorization (per request) .....	1,500.00

(b) **FEES FOR INSPECTION OF GREAT LAKES VESSELS.**—The matter under the heading "MISCELLANEOUS CHARGES" in the Schedule of Charges for section 8(g) of the Communications Act of 1934 (47 U.S.C. 158(g)) is amended by striking "300.00" in item 3.c. (relating to the inspection of vessels under the Great Lakes Agreement) and inserting in lieu thereof "75.00".

##### SEC. 210. TOWER SAFETY ACCOUNTABILITY.

(a) **LIABILITY EXTENDED TO TOWER OWNERS.**—Section 303(q) of the Communications Act of 1934 (47 U.S.C. 303(q)) is amended by inserting ", and the tower owner in any case in which the owner is not the permittee or licensee," immediately after "permittee or licensee".

(b) **LIABILITY FOR FORFEITURE.**—Section 503(b)(6) of the Communications Act of 1934 (47 U.S.C. 503(b)(6)) is amended—

(1) by striking "system operator or" and inserting in lieu thereof "system operator,"; and

(2) by inserting ", or in the case of violations of section 303(q), if the person involved is a nonlicensee tower owner who has previously received notice of the obligations imposed by section 303(q) from the Commission or the permittee or licensee who uses that tower," immediately after "section 307(e)".

(c) **EFFECTIVE DATE.**—The amendments made by subsection (a) shall take effect 90 days after the date of enactment of this Act.

##### SEC. 211. REVIEW OF LICENSE TRANSFER.

(a) **REQUIREMENT FOR HEARING.**—The Federal Communications Commission shall not approve any assignment or transfer of control of a license held by any corporation identified in subsection (b) without first holding a full hearing on the record, with notice and opportunity for comment.

(b) **APPLICABILITY.**—Subsection (a) applies to any corporation holding a television broadcast license, the transfer of which was approved by the Federal Communications Commission on November 14, 1985, and which is a corporation owned or controlled directly or indirectly by a corporation organized pursuant to the Alaska Native Claims Settlement Act (43 U.S.C. 1601 et seq.).

(c) **REPORT TO CONGRESS.**—The Federal Communications Commission shall submit a report to the Committee on Energy and Commerce of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate concerning the proposed transfer 30 days prior to authorizing any such transfer. The report required



by this subsection shall include a review of the consistency of such transfer with the Commission's minority ownership policies.

(d) WAIVER.—The requirements of subsections (a) and (c) shall not apply in any case in which the Native Regional corporation identified in subsection (b) requests in writing that this section be waived by the Federal Communications Commission.

#### SEC. 312. COMMUNICATIONS SUPPORT FROM OLDER AMERICANS.

(a) AUTHORITY FOR GRANTS AND COOPERATIVE AGREEMENTS.—Section 8(a) of the Federal Communications Commission Authorization Act of 1988 (47 U.S.C. 154 note) is amended—

(1) by striking "1988, 1989, 1990, and 1991" and inserting in lieu thereof "1992 and 1993"; and

(2) by inserting "designated by the Secretary of Labor under title V of the Older Americans Act of 1966 (42 U.S.C. 3056 et seq.)" immediately after "private nonprofit organizations".

(b) CERTIFICATION.—Section 8(b) of the Federal Communications Commission Authorization Act of 1988 (47 U.S.C. 154 note) is amended—

(1) by adding "or" at the end of paragraph (2);

(2) by striking paragraph (3); and

(3) by redesignating paragraph (4) as paragraph (3).

#### SEC. 313. TELEPHONE RATES FOR MEMBERS OF ARMED FORCES DEPLOYED ABROAD.

(a) IN GENERAL.—The Federal Communications Commission shall make efforts to reduce telephone rates for Armed Forces personnel in the following countries: Germany, Japan, Korea, Saudi Arabia, Great Britain, Italy, Philippines, Panama, Spain, Turkey, Iceland, the Netherlands, Greece, Cuba, Belgium, Portugal, Bermuda, Diego Garcia, Egypt, and Honduras.

(b) FACTORS TO CONSIDER.—In making the efforts described in subsection (a), the Federal Communications Commission, in coordination with the Department of Defense, Department of State, and the National Telecommunications and Information Administration shall consider the cost to military personnel and their families of placing telephone calls by—

(1) evaluating and analyzing the costs to Armed Forces personnel of such telephone calls to and from American military bases abroad;

(2) evaluate methods of reducing the rates imposed on such calls;

(3) determine the extent to which it is feasible for the Federal Communications Commission to encourage the carriers to adopt flexible billing procedures and policies for members of the Armed Forces and their families for telephone calls to and from the countries listed in subsection (a); and

(4) advise executive branch agencies of methods for the United States to persuade foreign governments to reduce the surcharges that are often placed on such telephone calls.

#### SEC. 314. AM RADIO IMPROVEMENT STANDARD.

The Federal Communications Commission shall—

(1) within 60 days after the date of enactment of this Act, initiate a rulemaking to adopt a single AM radio stereophonic transmitting equipment standard that specifies the composition of the transmitted stereophonic signal; and

(2) within one year after such date of enactment, adopt such standard.

The bill was ordered to be read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

#### REQUEST FOR CONSIDERATION OF H.R. 3047, SECURITIES EXCHANGE ACT OF 1934 AMENDMENTS

Mr. MARKEY. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the bill (H.R. 3047) to amend the Securities Exchange Act of 1934 to permit members of the national securities exchanges to effect certain transactions with respect to accounts for which such members exercise investment discretion, and ask for its immediate consideration in the House.

The Clerk read the title of the bill.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Massachusetts?

Mr. RINALDO. Mr. Speaker, reserving the right to object, ad while I will not object, I want to take this opportunity to ask the chairman of the subcommittee two things; first of all, to explain what is in this particular piece of legislation; and, second, to explain for the benefit of the leadership on this side of the aisle whether or not this bill has currently been cleared with the Senate because I understand that earlier it was removed from the list of acceptable bills because it was being held up by the Senate.

Mr. MARKEY. Mr. Speaker, will the gentleman yield?

Mr. RINALDO. I yield to the gentleman from Massachusetts.

Mr. MARKEY. Mr. Speaker, the bill has been cleared by the Senate majority leader for action.

#### PARLIAMENTARY INQUIRY

Mr. MARKEY. Mr. Speaker, I have a parliamentary inquiry.

Mr. SPEAKER pro tempore. The gentleman will state his inquiry.

Mr. MARKEY. When would it be appropriate for me to offer an amendment?

Mr. RINALDO. Further reserving the right to object, has the bill been cleared the minority in the Senate?

Mr. MARKEY. Mr. Speaker, will the gentleman yield?

Mr. RINALDO. I yield to the gentleman from Massachusetts.

Mr. MARKEY. Mr. Speaker, we have no information on that subject.

Mr. WALKER. Mr. Speaker, I object. The SPEAKER pro tempore. Objection is heard.

#### ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. Pursuant to the provisions of clause 5, rule I, the Chair announces that he will postpone further proceedings today on each motion to suspend the rules on which a recorded vote or the yeas and nays are ordered, or on which the vote is objected to under clause 4 of rule XV.

Such rollcall votes, if postponed, will be taken later today.

#### CONFERENCE REPORT ON H.R. 3635, PREVENTIVE HEALTH AMENDMENTS OF 1991

Mr. WAXMAN. Mr. Speaker, I move to suspend the rules and agree to the conference report on the bill (H.R. 3635) to amend the Public Health Service Act to revise and extend the program of block grants for preventive health and health services, and for other purposes.

The Clerk read the title of the bill.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from California [Mr. WAXMAN] will be recognized for 20 minutes, and the gentleman from New York [Mr. LENT] will be recognized for 20 minutes.

The Chair recognizes the gentleman from California [Mr. WAXMAN].

Mr. WAXMAN. Mr. Speaker, I yield myself such time as I may consume.

(Mr. WAXMAN asked and was given permission to revise and extend his remarks.)

Mr. WAXMAN. Mr. Speaker, this conference report is to revise and extend a number of authorities regarding preventive health services. These include: The preventive health block grant, screening of children for lead poisoning, injury control, adolescent health, prevention of infertility, immunizations, screening for prostate cancer, prevention of infant mortality, and the study of birth defects.

In addition, this bill authorizes the creation of a nonprofit foundation for public health services.

I know of no opposition to this important legislation. I urge its adoption.

#### GENERAL LEAVE

Mr. WAXMAN. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks on H.R. 3635.

The SPEAKER pro tempore. If there is objection to the request of the gentleman from California?

There was no objection.

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Mr. LENT. Mr. Speaker, I yield myself such time as I may consume.

(Mr. LENT asked and was given permission to revise and extend his remarks.)

Mr. LENT. Mr. Speaker, I rise in support of the conference report, and I thank the chairman and the chairman of the Subcommittee on Health and the Environment for their cooperative efforts in the development of a truly bipartisan bill.

This bill reauthorizes some of those small but powerful Federal programs for which we are always on the lookout. It does not cost tens of billions of dollars. It does not set in place hundreds of bureaucratic fiefdoms. And yet, it can accomplish an enormous amount of good.

These preventive health and health promotion programs are structured and funded cooperatively by the Federal Government and the States. In particular, the block grant program leverages